

## **REMARKS**

### **1. Summary of Office Action**

In the Office Action mailed September 22, 2009, the Examiner rejected claims 1-13 and 37-40 under 35 U.S.C. § 103(a) as being unpatentable over U.S. 5,659,250 (“Hendricks”) in view of EP 1 100 266 A2 (“Gaske”) and under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

### **2. Status of Claims**

Currently pending are claims 1-13 and 37-40 of which claim 1 is independent, and the remainder of the claims are dependent. Claims 14-36, 41-44 and 46-83 were previously withdrawn, and claim 45 was previously cancelled.

### **3. Response to Rejections under 35 U.S.C. § 112**

In the Office Action, the Examiner states that independent claim 1 recites a first and a second platform, as well as a discovery or search service without reciting or explaining how the discovery or search service is related to either one of the platforms.

Applicants have amended independent claim 1 to clarify that the discovery service is provided on either the first or second platform. Support for this amendment can be found on at least page 10, lines 26 – 27 of the specification, which states, “[t]he user may receive media content through a discovery process initiated by a discovery service in the first or second platform ...” In light of the amendment, Applicants respectfully request withdrawal of the 35 U.S.C. § 112 rejection.

#### **4. Response to Rejections under 35 U.S.C. § 103(a)**

Regarding independent claim 1, the present application claims a system having first and second platforms communicatively coupled and cooperatively providing an interface for purchasing a right to render media content stored at the subscriber location. Claim 1 recites a discovery service used to search for stored media content *and to download content* based on a content profile. The first and second platforms then convert the already downloaded media content to a renderable state upon the user's purchase of the right to render. This saves the user time because the media content the user wishes to enjoy has already been downloaded when the user purchases the right to render.

##### **A. The Combination of Hendricks and Gaske Fails to Disclose “A Discovery Service Provided on the First or Second Platform Operable to Search for Stored Media Content and to Download Content Based on a Content Profile”**

Applicants submit that presently pending claim 1 is in condition for allowance because the combination of Hendricks and Gaske fails to disclose the use of a discovery service which searches for and downloads media content based on content profile.

In the Office Action, the Examiner cites Hendricks for disclosing downloading content based on a content profile. Applicants respectfully disagree. Hendricks discusses an Operations Center for collecting view information to individualize program lineups and program packaging (Col. 3, Lines 58-65 and Col. 16, Lines 45-53). However, Hendricks's Operations Center *does not also download* the discovered media content. The Operations Center only decides which programs are shown to the user to choose from, and does not decide which programs are

downloaded. Unlike Applicants' presently pending claims, Hendricks still relies on the user to select a particular program for downloading.

The Examiner further cites Gaske for disclosing the searching of downloaded and stored media content in order to decrypt and render content based on rights. Similar to Hendricks however, Gaske's downloaded media content are selected and downloaded by the user, and not by a discovery service that searches and downloads content based on content profile, as called for in the claims.

As such, Applicants respectfully submit that the combination of Hendricks and Gaske fails to disclose "a discovery service provided on the first or second platform operable to search for stored media content and to download content based on a content profile." Accordingly, Applicants respectfully submit that claim 1 is in condition for allowance. Applicants further submit that claims 2-12 and 37-40 are also in condition for allowance for at least the reason they each depend ultimately from claim 1.

### **CONCLUSION**

The Applicants submit that the application is in good and proper form for allowance and respectfully request the Examiner to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney, at 312-913-2134.

Respectfully submitted,

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